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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

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20 UNITED STATES OF AMERICA,) No. CR 5:13-MJ-70368 HRL
21 Plaintiff,) STIPULATION AND [PROPOSED]
22 v.) ORDER CONTINUING APPEARANCE
23 STEVEN HIBBETT,) DATE AND EXCLUDING TIME FROM
24 Defendant.) THE SPEEDY TRIAL ACT
25) CALCULATION (18 U.S.C.
26) § 3161(h)(8)(A))

27 This matter is scheduled before the Court for an preliminary hearing or arraignment on
28 June 6, 2013. On April 5, 2013, this Court issued a criminal complaint against the defendant
related to two child pornography offenses under 18 U.S.C. § 2252(a). The United States and the
defendant now request a continuance until June 27, 2013 in order to afford defense counsel
additional time to effectively prepare and also to allow the parties an opportunity to discuss a
potential pre-indictment resolution of the mattter. The parties agree, and the Court finds and
holds, as follows:

27 1. The preliminary hearing or arraignment is continued to June 27, 2013.
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STIPULATION AND [PROPOSED] ORDER
CR 5:13-MJ-70368 HRL

1 2. Time should be excluded under Rule 5.1 from June 6, 2013 to June 27, 2013 in
2 order to allow defense counsel additional time to effectively prepare and also to allow the parties
3 an opportunity to discuss a potential pre-indictment resolution of the matter. The parties agree
4 that the continuance is proper under Rule 5.1 of the Federal Rules of Criminal Procedure and 18
5 U.S.C. § 3060.

6 3. The time between June 6, 2013 to June 27, 2013 is excluded under the Speedy
7 Trial Act. The parties agree that the failure to grant the requested continuance would
8 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
10 served by granting the requested continuance outweigh the best interest of the public and the
11 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §
12 3161(h)(8)(A).

13 STIPULATED:

14 DATED: 6/5/13

/s/
VARELL FULLER
Assistant Federal Public Defender

16 DATED: 6/5/13

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

18 IT IS SO ORDERED.

19 DATED: June 5, 2013


PAUL S. GREWAL
UNITED STATES MAGISTRATE JUDGE